

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLAT DISTRICT**

December 11, 2003

DIVISION ONE

B164893 Zelman A-1
 v.
 Burbank-Glendale-Pasadena Airport Authority

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B156444 Albillo v. Intermodal Container Services (Not for Publication)
 Montoya v. WCAB and Intermodal Container Services

We reverse the judgment on the third cause of action for violation of Business and Professions Code section 17200 and remand that cause of action to the trial court for a determination of that claim consistent with our conclusion that respondents violated Labor Code section 3751. In all other respects, we affirm the judgment. Each party is to bear its own costs.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B160782 Whitney (Not for Publication)
 v.
 California Fair Plan Association

The judgment of the trial court is affirmed. Fair Plan to recover its costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.

December 11, 2003 (Continued)

Doi Todd, J.

DIVISION TWO (Continued)

B163448 Mardian and Associates (Not for Publication)

v.

Glendale City Council

Chevy Chase Estates Association

The judgment is affirmed. The City, the Council, and Chevy Chase shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.

 Nott, J.

DIVISION THREE

B160599 Sharkey (Not for Publication)

v.

Sharkey

The trial court's judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

 Croskey, J.

B166914 Children and Family Services (Not for Publication)

v.

Savitri C.

The juvenile court order is affirmed.

Kitching, J.

We concur: Klein, P.J.

 Croskey, J.

DIVISION THREE (Continued)

B160616 Gutierrez (Not for Publication)

v.

Food 4 Less Company, et al.

The judgment is reversed. Costs on appeal are awarded to appellant Gutierrez.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B165754 Arnoldo A., et al. (Not for Publication)

v.

Juan C., et al.

The order is affirmed. Juan and Hilaria are entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B167241 People (Not for Publication)

v.

Anderson

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B162844 Los Angeles County, D.C.S.

v.

Katherine Y.

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B155072 People v. Hunt
B158442 People v. Hill
B161136 People v. Torres
B161699 People v. Brown
B161815 People v. Smith
B163933 People v. Flores
B164537 People v. Urzua
B164977 People v. Calloway
B165214 People v. Tome
B165275 People v. Bretado and Perez
B166156 People v. Freeman
B167846 People v. Rivera

Argument waived, cause submitted.

B170328 In re Stevens on Habeas Corpus

Matter ordered off calendar.

B166136 People
 v.
 Karabajakyan

Merits:

Argued by Rudy G. Kraft for appellant and by Steven D. Matthews, Deputy Attorney General, for respondent via video conference. Cause submitted.

B168083 People
 v.
 Powell

Merits:

December 11, 2003 (Continued)

Argued by Jean F. Matulis for appellant and by Michael J. Wise. Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B163516 People
 v.
 Herrera

Merits:
Perren, J. disclosed his prior involvement and recusal in this matter.
Counsel for appellant waived Justice Perren's offer to vacate the bench during argument.

Argued by Ralph H. Goldsen for appellant and by Robert C. Schneider, Deputy Attorney General, for respondent via video conference. Cause submitted.

B163109 People
 v.
 Roberge

Merits:
Argued by Leonard J. Klaif for appellant and by David F. Glassman, Deputy Attorney General, for respondent via video conference. Cause submitted.

B168274 People
 v.
 Hernandez

Merits:
Argued by Michael D. Schwartz, Senior Deputy District Attorney, for appellant and by Catherine A. Duffy-Gallaher for respondent. Cause submitted.

B159885 People
 v.
 Guillen

Merits:

December 11, 2003 (Continued)

Argued by Richard Hamlish for appellant and by Michael W. Whitaker, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

Perren, J. left the bench.

B165185 People
v.
Watson

Merits:

Argued by W. Michael Mayock for appellant and by Marc E. Turchin, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 4:25 P.M.

DIVISION SEVEN

[illegible]

The four-year concurrent term imposed pursuant to section 186.22, subdivision (b)(1) is ordered stricken. The case is remanded for further findings consistent with section 186.22, subdivision (g) or imposition of either a consecutive term of 10 years under subdivision (b)(1)(c) or a 15-year minimum parole eligibility term under section 186.22, subdivision (b)(5). In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B166495 Los Angeles County, D.C.S. (Not for Publication)
v.
Princess C.

The judgment is affirmed.

December 11, 2003 (Continued)

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B162243 Alonso (Not for Publication)
v.
Montalvo, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B167044 Jevne and Avalon Investments
v.
Superior Court, Los Angeles County
JB Oxford Holdings, Inc., and JB Oxford & Company

Filed order denying petition for rehearing.

DIVISION EIGHT

Court convened at 9:02 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B161267 People v. Solano
B163921 People v. Davis
B165148 McClellan etc. v. Goebel
B162125 People v. Blazer
B162139 People v. Choinski
B165120 People v. Jenkins
B165123 People v. Lopez
B165283 People v. Gillett

December 11, 2003 (Continued)

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B163453 Hinojos,
 v.
 Seasons Senior Apartments

Merits:
Argued by Howard R. Daniels-Stock for appellant and by Brendan W. Brandt for respondent. Cause submitted.

B165201 Fine
 v.
 Los Angeles Unified School District

Merits:
Argued by Richard J. Schwab for appellant and by Holly R. Lake for respondent. Cause submitted.

B166240 American Cancer Society
 v.
 Helmer

Merits:
Argued by Robert W. Woods for appellant and by Christopher C. Lewi for respondent. Cause submitted.

Justice Rubin leaves the bench.

B163180 Benchmark Contractors, Inc.
 v.
 Canac Kitchens, A Division Of Kohler LTD.

Merits:
Argued by Wendy S. Albers for appellant and by James A. Anton for respondent. Cause submitted.

Court recessed at 11:19 a.m.

Court reconvened at 1:09 p.m.

December 11, 2003 (Continued)

Present: Cooper, P.J., Rubin, J., Flier, J. and Connie Hon, Deputy Clerk.
DIVISION EIGHT (Continued)

B162290 People
 v.
 Cullors

Merits:

Argued by Lynette A. Moore for appellant and by Beverly K. Falk, Deputy Attorney General for respondent. Cause submitted.

B166437 Los Angeles County, D.C.S.
 v.
 Henry H. and Maria E.

Merits:

Argued by Janette Freeman Cochran for appellant (Henry H.) and by Sharon Rollo for appellant (Maria E.) and by Stephanie Jo Farrell, Deputy County Counsel for respondent. Cause submitted.

B164121 SHC Laguna Niguel, et al.
 v.
 Marriott International, et al.

Merits:

Argued by Patricia DeWitt for appellants and by William Wallace for respondents. Cause submitted.

Court recessed at 2:09 p.m.

Court reconvened at 2:13 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

B155907 Donald, et al.
 v.
 Truck Insurance Exchange, et al.

Merits:

Argued by Cornelius P. Bahan for appellants, by Kathy M. Banke for respondents (Truck Insurance Exchange et al.) and by Peter Abrahams for respondents (American International Group, Inc., et al.). Cause submitted.

December 11, 2003 (Continued)

DIVISION EIGHT (Continued)

Each of the following:

B158727 Rapolla v.Massa
B160892 Griffin, et al. v. Zonni, Ginocchio & Taylor

The matter has been continued to January 27, 2004, at 9:00 a.m.

B167184 Karr, et al. v. King, et al.

The matter has been continued to January 27, 2004, at 1:00 p.m.

B162563 Citizens Against Gridlock in El Segundo
 v.
 City of El Segundo

The matter is ordered off calendar.

Court adjourned at 3:37 p.m.

B159517 Guzey
 v.
 Kapp, et al.

Filed order denying petition for rehearing.